



06-04.04

IFW RCE #/1642

PTO/SB/30 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST

FOR

CONTINUED EXAMINATION (RCE)

TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|----------------------|
| Application Number | 09/875,349 |
| Filing Date | June 5, 2001 |
| First Named Inventor | HISERODT, JOHN C. |
| Art Unit | 1642 |
| Examiner Name | YAEN, CHRISTOPHER H. |
| Attorney Docket Number | IRVN-001DIV |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission** required under 37 C.F.R. § 1.114

- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
- i. Preliminary Amendment
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other Postcard

2. **Miscellaneous**

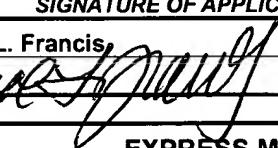
- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0815
- i. RCE fee required under 37 C.F.R. § 1.17 (e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|--------------|
| Name (Print/Type) | Carol L. Francis | Registration No. (Attorney/Agent) | 36,513 |
| Signature |  | Date | June 2, 2004 |

EXPRESS MAIL NO. EV 333997335 US

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Atty Dkt. No.: IRVN-001DIV
USSN: 09/875,349

EXPRESS MAIL NO. EV 333997335 US

| PRELIMINARY AMENDMENT | Attorney Docket Confirmation No. | IRVN-001DIV 8040 |
|---|----------------------------------|--|
| Address to: Box Assistant Commissioner for Patents Washington, D.C. 20231 | First Named Inventor | John C. Hiserodt |
| | Application Number | 09/875,349 |
| | Filing Date | June 5, 2001 |
| | Group Art Unit | 1642 |
| | Examiner Name | Christopher H. Yaen |
| | Title | “Cancer Immunotherapy Using Autologous Tumor Cells Combined With Cells Expressing a Membrane Cytokine” |

Dear Sir:

This Preliminary Amendment is filed with a Request for Continued Examination (RCE). Applicants timely filed a Notice of Appeal on November 3, 2003, setting the date for filing an Appeal Brief to January 3, 2004. This amendment is accompanied by a Petition for a Five Month extension of time, making the RCE and Preliminary Amendment timely filed on or before June 3, 2004.

Entry of the amendments below prior to consideration of the application on its merits is respectfully requested.